IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 20361 of 2002**

**DATED: 14.03.2006**

**Between:**

Md.Karimullah petitioner

And

1.. APSRTC

rep by its Regional manager,

Karimnagar and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 20361 OF 2002

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 13.02.2002 rejecting the request of the petitioner for change of his date of birth.

The petitioner herein was appointed as “Helper” in the respondent corporation in the year 1966. The petitioner states that his correct date of birth is 15.06.1947 and at the time of appointment he has submitted the Memorandum of Marks in proof of his qualification and subsequently on receipt of the original Higher Secondary Certificate, he has submitted the same before the authorities and based on the said certificate his date of birth was recorded as 15.6.1947. That in the year 1999 on

coming to know that his date of birth was wrongly entered in the records, he made a representation dated 6.8.1999 requesting the authorities to enter his correct date of birth as 15.06.1947 in terms of his Higher Secondary Certificate and the same was rejected vide impugned proceedings dated 13.2.2002. The petitioner contends that in terms of Regulation 19 of APSRTC Employees (Service) Regulations, the date of birth as recorded in the School or College certificates shall be adopted without any modification. Hence, the present writ petition on the ground that due to wrong entry of his date of birth in the records he is being retired prematurely.

The respondents filed counter affidavit, *inter alia* stating that at the time of appointment the petitioner did not produce any date of birth certificate and vide letter dated 26.4.1967 he was directed to appear before Medical Officer, APSRTC Clinic, Karimnagar for determination of his age and based on the medical report dated 2.5.1967 his date of birth was recorded as 5.12.1944 at the time of his initial appointment. It is further stated that in the year 1984 the petitioner has submitted his bio-date sheet of provident fund declaration wherein he has mentioned his date of birth as 5.12.1944. That the petitioner has submitted a representation after lapse of 32 years on 6.8.1999 and on consideration of the matter, the same was rejected by proceedings dated 13.2.2002. Subsequently, the petitioner was issued with advance notice of retirement dated 29.6.2002 indicating his date of retirement as 31.12.2002 on attaining the superannuation. It is specifically stated that the petitioner has not produced any Higher Secondary Certificate, at the time of his entry into service.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation.

The petitioner admits that he has not produced the Higher Secondary Certificate at the time of initial appointment and alleges that subsequently on receipt of Higher Secondary Certificate he has produced the same and based on the said certificate his date of birth was recorded as 15.06.1947. Whereas, respondents specifically denied the same, and it is the specific case of respondent corporation that in the absence of any documentary evidence, the petitioner was subjected to medical examination, and based on the report of the Assistant Civil Surgeon, APSRTC Clinic, Karimnagar, his date of birth, was recorded as 5.12.1944.

The contention of the petitioner that he came to know about the wrong entry of his date of birth in the records in the year 1999, cannot be accepted for the reason, he

himself mentioned his date of birth as 5.12.1944 in the Provident Fund declaration form submitted in the year 1984. Since, the respondents specifically contend that petitioners date of birth was recorded based on a medical report dated 2.5.1967, there is no clerical error which can be corrected in terms of Regulation 19 (3) of APSRTC Employees (Service) Regulations, 1964 which empowers the Managing Director to correct the clerical errors occurred in recording the date of birth of employees. The petitioner having kept quiet for 32 years, at the fag end of his career, cannot be permitted to seek alteration of his date of birth.

There are no merits in the writ petition. Accordingly, the writ petition is dismissed.

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N.V.RAMANA,J

14.03.2006

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